

JOURNAL OF THE SENATE

NINETIETH SESSION

THIRTY-SECOND DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, March 5, 2015

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Pastor Peggy Stempson, followed by the Pledge of Allegiance led by Senate page Erika Wounded Knee.

Roll Call: All members present except Sen. Otten (Ernie) who was excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the thirty-first day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

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1 Also MR. PRESIDENT:

2 The Committee on Education respectfully reports that it has had under consideration
3 HB 1218 which was tabled.

4 Also MR. PRESIDENT:

5 The Committee on Education respectfully reports that it has had under consideration
6 HB 1161 which was deferred to the 41st Legislative Day.

7 Respectfully submitted,
8 Deb Soholt, Chair

9 Also MR. PRESIDENT:

10 The Committee on Judiciary respectfully reports that it has had under consideration
11 HJR 1002 and HB 1215 and 1225 and returns the same with the recommendation that said bills
12 and resolution do pass.

13 Also MR. PRESIDENT:

14 The Committee on Judiciary respectfully reports that it has had under consideration
15 HB 1143 and returns the same with the recommendation that said bill do pass and be placed on
16 the consent calendar.

17 Also MR. PRESIDENT:

18 The Committee on Judiciary respectfully reports that it has had under consideration
19 HB 1231 and returns the same with the recommendation that said bill be amended as follows:

20 1231rta

21 On page 1, line 2, of the House engrossed bill, delete "prostitution or".

22 And that as so amended said bill do pass.

23 Also MR. PRESIDENT:

24 The Committee on Judiciary respectfully reports that it has had under consideration
25 HB 1140 and returns the same with the recommendation that said bill be amended as follows:

1 1140rb

2 On the House Judiciary Committee engrossed bill, delete all amendments, thus restoring
3 the bill to the printed version.

4 And that as so amended said bill do pass.

5 Also MR. PRESIDENT:

6 The Committee on Judiciary respectfully reports that it has had under consideration the
7 nomination of Trevor Jones of Hughes County, Pierre, South Dakota, to the position of
8 Secretary of the Department of Public Safety and returns the same with the recommendation that
9 the Senate advise and consent to the confirmation of said reappointment and that said
10 reappointment be placed on the consent calendar.

11 Also MR. PRESIDENT:

12 The Committee on Judiciary respectfully reports that it has had under consideration the
13 nomination of Dennis Kaemingk of Davison County, Mitchell, South Dakota, to the position
14 of Secretary of the Department of Corrections and returns the same with the recommendation
15 that the Senate advise and consent to the confirmation of said reappointment and that said
16 reappointment be placed on the consent calendar.

17 Respectfully submitted,
18 Craig Tieszen, Chair

19 Also MR. PRESIDENT:

20 The Committee on Commerce and Energy respectfully reports that it has had under
21 consideration HB 1107, 1209, and 1235 and returns the same with the recommendation that said
22 bills do pass and be placed on the consent calendar.

23 Respectfully submitted,
24 R. Blake Curd, Chair

25 **MESSAGES FROM THE HOUSE**

26 MR. PRESIDENT:

27 I have the honor to return herewith SB 60 and 168 which have been amended by the House
28 and your concurrence in the amendments is respectfully requested.

1 Also MR. PRESIDENT:

2 I have the honor to return herewith SB 25, 26, 27, 58, 82, 86, 110, 124, 153, 177, and 182
3 which have passed the House without change.

4 Also MR. PRESIDENT:

5 I have the honor to return herewith SCR 6 in which the House has concurred.

6 Respectfully,
7 Arlene Kvislen, Chief Clerk

8 **MOTIONS AND RESOLUTIONS**

9 Sen. Tieszen moved that the Senate do concur in House amendments to SB 48.

10 The question being on Sen. Tieszen's motion that the Senate do concur in House
11 amendments to SB 48.

12 And the roll being called:

13 Yeas 34, Nays 0, Excused 1, Absent 0

14 Yeas:

15 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
16 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
17 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim);
18 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
19 White

20 Excused:

21 Otten (Ernie)

22 So the motion having received an affirmative vote of a majority of the members-elect, the
23 President declared the motion carried and the amendments were concurred in.

24 Sen. Soholt moved that the Senate do concur in House amendments to SB 43.

25 The question being on Sen. Soholt's motion that the Senate do concur in House
26 amendments to SB 43.

1 And the roll being called:

2 Yeas 34, Nays 0, Excused 1, Absent 0

3 Yeas:

4 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
5 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
6 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim);
7 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
8 White

9 Excused:

10 Otten (Ernie)

11 So the motion having received an affirmative vote of a majority of the members-elect, the
12 President declared the motion carried and the amendments were concurred in.

13 Sen. Rave moved that HB 1190, 1191, 1147, 1020, 1169, 1170, 1171, 1049, and 1047 be
14 placed to follow HB 1128 on today's calendar.

15 Which motion prevailed.

16 Sen. Rave moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
17 Friday, March 6, the 33rd legislative day.

18 Which motion prevailed.

19 **CONSIDERATION OF EXECUTIVE APPOINTMENTS**

20 The Senate proceeded to the consideration of the executive appointment of Kimberley
21 Malsam-Rysdon of Hughes County, Pierre, South Dakota, as the Secretary of the Department
22 of Health.

23 The question being "Does the Senate advise and consent to the executive appointment of
24 Kimberley Malsam-Rysdon pursuant to the executive message as found on page 460 of the
25 Senate Journal?"

26 And the roll being called:

27 Yeas 34, Nays 0, Excused 1, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
3 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
4 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim);
5 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
6 White

7 Excused:

8 Otten (Ernie)

9 So the question having received an affirmative vote of a majority of the members-elect, the
10 President declared the appointment confirmed.

11 The Senate proceeded to the consideration of the executive reappointment of Andy Gerlach
12 of Hughes County, Pierre, South Dakota, as the Secretary of the Department of Revenue.

13 The question being "Does the Senate advise and consent to the executive reappointment
14 of Andy Gerlach pursuant to the executive message as found on page 427 of the Senate
15 Journal?"

16 And the roll being called:

17 Yeas 34, Nays 0, Excused 1, Absent 0

18 Yeas:

19 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
20 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
21 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim);
22 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
23 White

24 Excused:

25 Otten (Ernie)

26 So the question having received an affirmative vote of a majority of the members-elect, the
27 President declared the reappointment confirmed.

28 **CONSIDERATION OF EXECUTIVE APPOINTMENTS CONSENT CALENDAR**

29 The Senate proceeded to the consideration of the executive appointment of Jeffery D.
30 Burket of Lawrence County, Spearfish, South Dakota, to the S.D. State Railroad Board.

31 The question being "Does the Senate advise and consent to the executive appointment of
32 Jeffery D. Burket pursuant to the executive message as found on page 403 of the Senate
33 Journal?"

1 And the roll being called:

2 Yeas 34, Nays 0, Excused 1, Absent 0

3 Yeas:

4 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
5 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
6 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim);
7 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
8 White

9 Excused:

10 Otten (Ernie)

11 So the question having received an affirmative vote of a majority of the members-elect, the
12 President declared the appointment confirmed.

13 The Senate proceeded to the consideration of the executive appointment of Jerry Cope of
14 Pennington County, Rapid City, South Dakota, to the S.D. State Railroad Board.

15 The question being "Does the Senate advise and consent to the executive appointment of
16 Jerry Cope pursuant to the executive message as found on page 524 of the Senate Journal?"

17 And the roll being called:

18 Yeas 34, Nays 0, Excused 1, Absent 0

19 Yeas:

20 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
21 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
22 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim);
23 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
24 White

25 Excused:

26 Otten (Ernie)

27 So the question having received an affirmative vote of a majority of the members-elect, the
28 President declared the appointment confirmed.

29 The Senate proceeded to the consideration of the executive appointment of Harlan J.
30 Quenzer of Davison County, Mitchell, South Dakota, to the S.D. State Railroad Board.

31 The question being "Does the Senate advise and consent to the executive appointment of
32 Harlan J. Quenzer pursuant to the executive message as found on page 386 of the Senate
33 Journal?"

1 And the roll being called:

2 Yeas 34, Nays 0, Excused 1, Absent 0

3 Yeas:

4 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
5 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
6 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim);
7 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
8 White

9 Excused:

10 Otten (Ernie)

11 So the question having received an affirmative vote of a majority of the members-elect, the
12 President declared the appointment confirmed.

13 The Senate proceeded to the consideration of the executive appointment of Laurie Gill of
14 Hughes County, Pierre, South Dakota, as the Commissioner of Human Resources.

15 The question being "Does the Senate advise and consent to the executive appointment of
16 Laurie Gill pursuant to the executive message as found on page 429 of the Senate Journal?"

17 And the roll being called:

18 Yeas 34, Nays 0, Excused 1, Absent 0

19 Yeas:

20 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
21 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
22 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim);
23 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
24 White

25 Excused:

26 Otten (Ernie)

27 So the question having received an affirmative vote of a majority of the members-elect, the
28 President declared the appointment confirmed.

29 The Senate proceeded to the consideration of the executive reappointment of Gloria
30 Pearson of Yankton County, Yankton, South Dakota, as the Secretary of the Department of
31 Human Services.

1 The question being "Does the Senate advise and consent to the executive reappointment
2 of Gloria Pearson pursuant to the executive message as found on page 429 of the Senate
3 Journal?"

4 And the roll being called:

5 Yeas 34, Nays 0, Excused 1, Absent 0

6 Yeas:

7 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
8 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
9 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim);
10 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
11 White

12 Excused:

13 Otten (Ernie)

14 So the question having received an affirmative vote of a majority of the members-elect, the
15 President declared the reappointment confirmed.

16 The Senate proceeded to the consideration of the executive reappointment of Lynne Valenti
17 of Hughes County, Pierre, South Dakota, as the Secretary of the Department of Social Services.

18 The question being "Does the Senate advise and consent to the executive reappointment
19 of Lynne Valenti pursuant to the executive message as found on page 462 of the Senate
20 Journal?"

21 And the roll being called:

22 Yeas 34, Nays 0, Excused 1, Absent 0

23 Yeas:

24 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
25 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
26 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim);
27 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
28 White

29 Excused:

30 Otten (Ernie)

31 So the question having received an affirmative vote of a majority of the members-elect, the
32 President declared the reappointment confirmed.

1 The Senate proceeded to the consideration of the executive reappointment of Todd Yeaton
2 of Brule County, Kimball, South Dakota, to the S.D. State Railroad Board.

3 The question being "Does the Senate advise and consent to the executive reappointment
4 of Todd Yeaton pursuant to the executive message as found on page 386 of the Senate Journal?"

5 And the roll being called:

6 Yeas 34, Nays 0, Excused 1, Absent 0

7 Yeas:

8 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
9 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
10 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim);
11 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
12 White

13 Excused:

14 Otten (Ernie)

15 So the question having received an affirmative vote of a majority of the members-elect, the
16 President declared the reappointment confirmed.

17 The Senate proceeded to the consideration of the executive reappointment of Carl
18 Anderson of Brown County, Aberdeen, South Dakota, to the S.D. State Railroad Board.

19 The question being "Does the Senate advise and consent to the executive reappointment
20 of Carl Anderson pursuant to the executive message as found on page 524 of the Senate
21 Journal?"

22 And the roll being called:

23 Yeas 34, Nays 0, Excused 1, Absent 0

24 Yeas:

25 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
26 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
27 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim);
28 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
29 White

30 Excused:

31 Otten (Ernie)

32 So the question having received an affirmative vote of a majority of the members-elect, the
33 President declared the reappointment confirmed.

The Senate proceeded to the consideration of the executive reappointment of Sheldon Cotton of Brookings County, Volga, South Dakota, to the S.D. State Railroad Board.

The question being "Does the Senate advise and consent to the executive reappointment of Sheldon Cotton pursuant to the executive message as found on page 387 of the Senate Journal?"

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

Yeas:

Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

Excused:

Otten (Ernie)

So the question having received an affirmative vote of a majority of the members-elect, the President declared the reappointment confirmed.

The Senate proceeded to the consideration of the executive reappointment of Gary Doering of Beadle County, Cavour, South Dakota, to the S.D. State Railroad Board.

The question being "Does the Senate advise and consent to the executive reappointment of Gary Doering pursuant to the executive message as found on page 502 of the Senate Journal?"

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

Yeas:

Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

Excused:

Otten (Ernie)

So the question having received an affirmative vote of a majority of the members-elect, the President declared the reappointment confirmed.

1 The Senate proceeded to the consideration of the executive reappointment of Major
2 General Timothy A. Reisch of Miner County, Howard, South Dakota, as the Adjutant General.

3 The question being "Does the Senate advise and consent to the executive reappointment
4 of Major General Timothy A. Reisch pursuant to the executive message as found on page 426
5 of the Senate Journal?"

6 And the roll being called:

7 Yeas 34, Nays 0, Excused 1, Absent 0

8 Yeas:

9 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
10 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
11 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim);
12 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
13 White

14 Excused:

15 Otten (Ernie)

16 So the question having received an affirmative vote of a majority of the members-elect, the
17 President declared the reappointment confirmed.

18 The Senate proceeded to the consideration of the executive reappointment of Larry
19 Zimmerman of Pennington County, Rapid City, South Dakota, as the Secretary of the
20 Department of Veterans Affairs.

21 The question being "Does the Senate advise and consent to the executive reappointment
22 of Larry Zimmerman pursuant to the executive message as found on page 428 of the Senate
23 Journal?"

24 And the roll being called:

25 Yeas 34, Nays 0, Excused 1, Absent 0

26 Yeas:

27 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
28 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
29 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim);
30 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
31 White

32 Excused:

33 Otten (Ernie)

1 So the question having received an affirmative vote of a majority of the members-elect, the
2 President declared the reappointment confirmed.

3 **SECOND READING OF CONSENT CALENDAR ITEMS**

4 HB 1194: FOR AN ACT ENTITLED, An Act to set a minimum size for a sign about
5 zoning changes or conditional use permits.

6 Was read the second time.

7 The question being "Shall HB 1194 pass as amended?"

8 And the roll being called:

9 Yeas 34, Nays 0, Excused 1, Absent 0

10 Yeas:

11 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
12 Haggart (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
13 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim);
14 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
15 White

16 Excused:

17 Otten (Ernie)

18 So the bill having received an affirmative vote of a majority of the members-elect, the
19 President declared the bill passed and the title was agreed to.

20 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

21 HB 1103: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to
22 comparative negligence.

23 Was read the second time.

24 The question being "Shall HB 1103 pass as amended?"

25 And the roll being called:

26 Yeas 9, Nays 25, Excused 1, Absent 0

1 Yeas:

2 Buhl O'Donnell; Frerichs; Heinert; Hunhoff (Bernie); Lederman; Novstrup (David); Rusch;
3 Sutton; White

4 Nays:

5 Bradford; Brown; Cammack; Curd; Ewing; Greenfield (Brock); Haggar (Jenna); Haverly;
6 Heineman (Phyllis); Holien; Jensen (Phil); Monroe; Olson; Omdahl; Parsley; Peters; Peterson
7 (Jim); Rampelberg; Rave; Soholt; Solano; Tidemann; Tieszen; Van Gerpen; Vehle

8 Excused:

9 Otten (Ernie)

10 So the bill not having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill lost.

12 HB 1021: FOR AN ACT ENTITLED, An Act to repeal the authorization for the South
13 Dakota School of Mines and Technology research center project and to authorize the South
14 Dakota Building Authority to issue bonds to finance a portion of the maintenance and repair of
15 the South Dakota School of Mines and Technology chemistry/chemical engineering renovation
16 project.

17 Was read the second time.

18 The question being "Shall HB 1021 pass?"

19 And the roll being called:

20 Yeas 34, Nays 0, Excused 1, Absent 0

21 Yeas:

22 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
23 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
24 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim);
25 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
26 White

27 Excused:

28 Otten (Ernie)

29 So the bill having received an affirmative vote of a two-thirds majority of the members-
30 elect, the President declared the bill passed and the title was agreed to.

31 HB 1022: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to
32 purchase improved property in Spearfish and to make an appropriation therefor.

1 Was read the second time.

2 The question being "Shall HB 1022 pass?"

3 And the roll being called:

4 Yeas 34, Nays 0, Excused 1, Absent 0

5 Yeas:

6 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
7 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
8 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim);
9 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
10 White

11 Excused:

12 Otten (Ernie)

13 So the bill having received an affirmative vote of a two-thirds majority of the members-
14 elect, the President declared the bill passed and the title was agreed to.

15 HB 1179: FOR AN ACT ENTITLED, An Act to revise the definition of a veteran.

16 Was read the second time.

17 1179ja

18 Sen. Van Gerpen moved that HB 1179 be amended as follows:

19 On page 1, line 4, of the printed bill, after "privileges," insert "ceremonial recognition,".

20 On page 1, after line 12, insert:

21 "For purposes of this section, the term, benefits, includes veterans designation on a driver
22 license or identification card, veterans license plates, veterans job preference, and burial benefits
23 pursuant to §§ 33A-5-2 and 33A-5-3."

24 Which motion prevailed.

25 The question being "Shall HB 1179 pass as amended?"

26 And the roll being called:

27 Yeas 32, Nays 2, Excused 1, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Greenfield (Brock); Haggar (Jenna);
3 Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman;
4 Monroe; Novstrup (David); Omdahl; Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch;
5 Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

6 Nays:

7 Cammack; Olson

8 Excused:

9 Otten (Ernie)

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 HJR 1005: A JOINT RESOLUTION, Designating Oglala Lakota County as the new name
13 of Shannon County.

14 Was read the second time.

15 The question being "Shall HJR 1005 pass?"

16 And the roll being called:

17 Yeas 32, Nays 2, Excused 1, Absent 0

18 Yeas:

19 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Frerichs; Greenfield (Brock); Haggar
20 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
21 Lederman; Monroe; Novstrup (David); Olson; Parsley; Peters; Peterson (Jim); Rampelberg;
22 Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

23 Nays:

24 Ewing; Omdahl

25 Excused:

26 Otten (Ernie)

27 So the resolution having received an affirmative vote of a majority of the members-elect,
28 the President declared the resolution passed and the title was agreed to.

29 HB 1176: FOR AN ACT ENTITLED, An Act to authorize a person to be on the general
30 election ballot for president or vice president and another office.

31 Was read the second time.

1 The question being "Shall HB 1176 pass?"

2 And the roll being called:

3 Yeas 24, Nays 9, Excused 2, Absent 0

4 Yeas:

5 Brown; Buhl O'Donnell; Cammack; Curd; Frerichs; Haggar (Jenna); Haverly; Heineman
6 (Phyllis); Heinert; Holien; Hunhoff (Bernie); Lederman; Novstrup (David); Parsley; Peters;
7 Peterson (Jim); Rampelberg; Rave; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle

8 Nays:

9 Bradford; Ewing; Greenfield (Brock); Jensen (Phil); Monroe; Olson; Omdahl; Rusch; Van
10 Gerpen

11 Excused:

12 Otten (Ernie); White

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 President declared the bill passed and the title was agreed to.

15 HB 1059: FOR AN ACT ENTITLED, An Act to allow authorized entities to access
16 immunization information in certain circumstances.

17 Was read the second time.

18 1059ra

19 Sen. Jensen (Phil) moved that HB 1059 be amended as follows:

20 On page 1, line 10, of the House engrossed bill, delete "verbally notify" and insert "provide
21 notice in any written form to".

22 Which motion prevailed.

23 The question being "Shall HB 1059 pass as amended?"

24 And the roll being called:

25 Yeas 30, Nays 3, Excused 2, Absent 0

26 Yeas:

27 Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haverly; Heineman (Phyllis);
28 Heinert; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup (David); Olson;
29 Omdahl; Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton;
30 Tidemann; Tieszen; Van Gerpen; Vehle; White

1 Nays:
2 Bradford; Greenfield (Brock); Haggard (Jenna)

3 Excused:
4 Holien; Otten (Ernie)

5 So the bill having received an affirmative vote of a majority of the members-elect, the
6 President declared the bill passed and the title was agreed to.

7 HB 1128: FOR AN ACT ENTITLED, An Act to protect certain homestead exemption
8 interests during sale of homestead or separation of owners.

9 1128rb

10 Sen. Rusch moved that HB 1128 be amended as follows:

11 On page 2 of the House engrossed bill, delete lines 21 to 24, inclusive.

12 On page 3, delete lines 1 to 11, inclusive, and insert:

13 Section 5. That § 43-45-2 be amended to read as follows:

14 43-45-2. The property mentioned in this section is absolutely exempt from all such process,
15 levy, or sale, except as otherwise provided by law:

- 16 (1) All family pictures;
- 17 (2) A pew or other sitting in any house of worship;
- 18 (3) A lot or lots in any burial ground;
- 19 (4) The family Bible and all schoolbooks used by the family, and all other books used
20 as a part of the family library, not exceeding in value two hundred dollars;
- 21 (5) All wearing apparel and clothing of the debtor and his family;
- 22 (6) The provisions for the debtor and his family necessary for one year's supply, either
23 provided or growing, or both, and fuel necessary for one year;
- 24 (7) All property in this state of the judgment debtor if the judgment is in favor of any
25 state for failure to pay that state's income tax on benefits received from a pension or
26 other retirement plan while the judgment debtor was a resident of this state;
- 27 (8) Any health aids professionally prescribed to the debtor or to a dependant of the
28 debtor;
- 29 (9) Any court ordered domestic support award of alimony, maintenance, or support of
30 the debtor which is not a gross or lump sum and does not exceed seven hundred fifty
31 dollars per month;
- 32 (10) Each debtor may keep an interest in a motor vehicle in an amount of two thousand
33 five hundred dollars, if used primarily for daily transportation. For purposes of this
34 chapter, motor vehicles are limited to vehicles used in the ordinary course of affairs
35 of the debtor or a dependent of the debtor and excludes recreational vehicles such as
36 boats, jet skis, snowmobiles, ATVs not used in the debtor's work or business, or other
37 recreational vehicles.

Section 6. That § 43-45-3 be amended to read as follows:

43-45-3. A homestead:

(1) As defined and limited in chapter 43-31, is absolutely exempt; or

(2) In the event such homestead is sold under the provisions of chapter 21-19, or is sold by the owner voluntarily, the proceeds of such sale, not exceeding the sum of sixty thousand dollars, is absolutely exempt for a period of one year after the receipt of such proceeds by the owner. Such exemption shall be limited to one hundred seventy thousand dollars for a homestead of a person seventy years of age or older or the unremarried surviving spouse of such person so long as it continues to possess the character of a homestead;

(3) If the homestead is divided by court order pursuant to § 25-4-44 and a lien is imposed on the homestead for the benefit of the non-occupant spouse pursuant to § 25-4-42, absence from the homestead and loss of title of the homestead pursuant to the court order does not constitute forfeiture of the non-occupant spouses's share of the proceeds of sale of the homestead, if any. Nothing in this subdivision expands the monetary limits on the entirety of the sale proceeds of the homestead in subdivision (2).".

Which motion lost.

The question being "Shall HB 1128 pass as amended?"

And the roll being called:

Yeas 22, Nays 11, Excused 2, Absent 0

Yeas:

Bradford; Buhl O'Donnell; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Olson; Omdahl; Parsley; Peterson (Jim); Rampelberg; Rusch; Soholt; Solano; Sutton; Tieszen

Nays:

Brown; Cammack; Curd; Ewing; Novstrup (David); Peters; Rave; Tidemann; Van Gerpen; Vehle; White

Excused:

Holien; Otten (Ernie)

So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed and the title was agreed to.

Sen. Rave moved that HB 1190, 1191, 1147, 1020, 1169, 1170, 1171, 1049, and 1047 be deferred to Friday, March 6, the 33rd legislative day.

1 Which motion prevailed.

2 There being no objection, the Senate reverted to Order of Business No. 7.

3 **MESSAGE FROM THE HOUSE**

4 MR. PRESIDENT:

5 I have the honor to inform your honorable body that SB 111 was lost on second reading
6 and final passage.

7 Respectfully,
8 Arlene Kvislen, Chief Clerk

9 **SIGNING OF BILLS**

10 The President publicly read the title to

11 SB 25: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to enter into
12 a lease-purchase agreement to acquire agricultural property in Moody County for the use and
13 benefit of the South Dakota State University Agricultural Experiment Station.

14 SB 26: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to demolish
15 the veterinary isolation building on the campus of South Dakota State University and to make
16 an appropriation therefor.

17 SB 27: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract
18 for the replacement of the plant science research support facility on the campus of South Dakota
19 State University and to make an appropriation therefor.

20 SB 58: FOR AN ACT ENTITLED, An Act to revise certain authority, monetary penalties,
21 and hearing procedures of the South Dakota Commission on Gaming.

22 SB 82: FOR AN ACT ENTITLED, An Act to update outdated language related to domestic
23 abuse.

24 SB 86: FOR AN ACT ENTITLED, An Act to place a term limit on the office of poet
25 laureate.

26 SB 110: FOR AN ACT ENTITLED, An Act to revise the authority granted to the Building
27 Authority and to the Board of Regents to construct an information system building on the
28 campus of Dakota State University in Madison.

1 SB 124: FOR AN ACT ENTITLED, An Act to revise the requirements for a petition for
2 a minor boundary change.

3 SB 153: FOR AN ACT ENTITLED, An Act to repeal the South Dakota certified site and
4 technology park programs.

5 SB 177: FOR AN ACT ENTITLED, An Act to establish a youth minimum wage.

6 SB 182: FOR AN ACT ENTITLED, An Act to revise the rate of interest for late payment
7 of certain taxes.

8 HB 1013: FOR AN ACT ENTITLED, An Act to revise certain provisions related to social
9 work licensure.

10 HB 1027: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
11 regulation of certain money lending activities.

12 HB 1030: FOR AN ACT ENTITLED, An Act to provide certain restrictions regarding the
13 passing of a bicycle.

14 HB 1031: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding former
15 state-owned rail lines.

16 HB 1042: FOR AN ACT ENTITLED, An Act to authorize the Department of Public Safety
17 to construct offices in Butte County and Roberts County, to make an appropriation therefor, and
18 to declare an emergency.

19 HB 1048: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding state
20 hosting and employee reimbursement policies.

21 HB 1058: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
22 contagious disease control quarantine measures.

23 HB 1064: FOR AN ACT ENTITLED, An Act to prohibit unlawful self-dealing by state
24 officers and employees.

25 HB 1072: FOR AN ACT ENTITLED, An Act to provide that certain information regarding
26 postsecondary technical institutes be given to parents and guardians of students in middle
27 schools and high schools.

28 HB 1073: FOR AN ACT ENTITLED, An Act to require a sex offender to report a change
29 in vehicle status to law enforcement.

30 HB 1079: FOR AN ACT ENTITLED, An Act to revise the deadline for the Department
31 of Health's annual report regarding abortions.

32 HB 1124: FOR AN ACT ENTITLED, An Act to authorize motor vehicles to exceed the
33 posted speed limit under certain conditions.

1 HB 1130: FOR AN ACT ENTITLED, An Act to prohibit an abortion provider from
2 accepting payment for an abortion prior to the end of the required informed consent period.

3 HB 1139: FOR AN ACT ENTITLED, An Act to revise certain procedures for competitive
4 sealed bids by public purchasing agencies.

5 HB 1144: FOR AN ACT ENTITLED, An Act to repeal and revise certain unnecessary and
6 outdated provisions related to state affairs and government.

7 HB 1146: FOR AN ACT ENTITLED, An Act to limit who may request to see a person's
8 hunting or fishing license.

9 HB 1148: FOR AN ACT ENTITLED, An Act to require that the annual report of a school
10 district contain certain information regarding school district fund balances.

11 HB 1165: FOR AN ACT ENTITLED, An Act to revise the composition requirement of
12 the Historic Preservation Commission.

13 HB 1177: FOR AN ACT ENTITLED, An Act to remove certain exceptions to campaign
14 finance report filings.

15 HB 1236: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
16 commissions received by insurance producers.

17 And signed the same in the presence of the Senate.

18 Sen. Heinert moved that the Senate do now adjourn, which motion prevailed and at
19 4:44 p.m. the Senate adjourned.

20 Kay Johnson, Secretary

